IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITON NO. 1107 (SS) OF 2004

Dr. U.B.S. Pawar, aged 35 years,
S/o Late Sri Mahendra Singh Pawar,
R/o Quarter No. VI/1735, ¼ Ta Colony,
Pantnagar, U.S. Nagar. .....Petitioner.

Versus

1. Vice Chancellor, G.B. Pant University of Agriculture, ant Technology Pantnagar, District Udham Singh Nagar.
2. Establishment Officer, G.B. pant University of Agriculture ant Technology Pantnagar, District Udham Singh Nagar.
3. Chief Personnel Officer, G.B. Pant University of Agriculture ant Technology Pantnagar, District Udham Singh Nagar.
4. Director Research, G.B. Pant University of Agriculture ant Technology Pantnagar, District Udham Singh Nagar.

.....Respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri D.S. Patni, learned counsel for the petitioner and Sri Rajendra Dobhal, learned counsel for the respondents.

2. By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 15th March, 2004 passed by the respondent no.4 and further has prayed for a writ of Mandamus commanding the respondents to consider the case of the petitioner for absorption on the post of Senior Technical Assistant w.e.f. 22.07.1995.

3. The petitioner has submitted that the respondent has absorbed certain Research Associates (working on consolidated

salary) / Field Assistant (regular scale) in the services in Different Project of Indian Council of Agriculture Research and other projects at G.B. Pant University, Pantnagar. The respondent further in compliance of the Hon'ble Court's order dated 11.08.2003 has absorbed the services of 3 Field Assistants. The petitioner is also Field Assistant therefore, the respondents are liable to give parity to petitioner with regard to absorption of petitioner in service.

4. Learned counsel for the petitioner has submitted that this Hon'ble Court vide order dated 16.05.2005 was pleased to direct the respondents to decide the representation dated 30.05.2005 and 19.07.2005. The respondents consequently disposed of the representation of the petitioner stating that the case of petitioner is not found tenable as per Rules on account of the fact that the petitioner is Filed Assistant and not Research Associate. The parity claimed by the petitioner that Sri Devendra Singh, Sri Satyaveer Singh and Sri Y.S. Khokhar was disposed of by stating that the same has been done in compliance of the Hon'ble Court's order.

5. However, so far as a writ of certiorari is concerned, the same is not maintainable and the same is not pressed. The petitioner has pressed for disposal of the representation dated 31.08.2005.

6. The petitioner has also referred the judgment date 11.08.2003 passed in ***Writ petition NO. 3312(ss) of 2001 Yogendra Singh Khokar Vs. G.B. Pant University of Agriculture and Technology, Pant Nagar, District U.S. Nagar and others.***

7. The respondents are directed to pass appropriate order on the representation dated 31.08.2005 filed by the petitioner within a period of six weeks from the filing of the certified copy

of the order for absorption on the post of Senior Technical Assistant as prayed by the petitioner in accordance with law.

8. Writ petition is disposed of accordingly. No order as to costs.

(Rajesh Tandon, J.)

20.02.2006
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